

## REMARKS

Claims 1-13 are pending in the application.

Claims 1 and 12 stand rejected under 35 U.S.C. 102(e) as being anticipated by U.S. Patent No. 6,341,224 to Dohi et al. Applicants amend claims 1 and 12 in a good faith effort to clarify the invention as distinguished from the cited reference, and respectfully traverse the rejection.

In the October 9, 2007 Advisory Action, the Examiner argued that a unit increment/decrement is allegedly inherent in the target SIR decision unit described in Dohi et al. (Fig. 2, box 12) because the target SIR increments and decrements based on the measurements of the signal error rate (Fig. 2, box 32).

Applicants respectfully submit that Dohi et al. only describe, on col. 5, lines 37-42 thereof, two types of instructions—“increase” and “decrease”—given from FER measuring unit 10 to SIR decision unit 12. Thus, Dohi et al., at most, disclose to one skilled in the art the SIR decision unit 12 operating to either increase or decrease the SIR in response to the instructions; and such portions do not disclose the SIR decision unit 12 changing any update interval or unit in response to the instructions. And, therefore, Dohi et al., as cited and relied upon by the Examiner, fail to disclose a management process of updating at different intervals or units in response to an instruction of “increase” or “decrease.”

In other words, Dohi et al., as cited and relied upon by the Examiner, fail to disclose,

“[a]n outer-loop power control device in which a reference signal-to-interference power ratio, which is a basis of transmission power control by a communications environment, is variable, comprising:

    a signal-to-interference power ratio measurement unit measuring a signal-to-interference power ratio of a receiving signal;

    an error rate measurement unit measuring an error rate of receiving data;

    a reference signal-to-interference power ratio modification unit setting an observation time period of an error

rate/number of target observation blocks of the error rate, a unit increment of a reference signal-to-interference power ratio, a unit decrement of the reference signal-to-interference power ratio and a target signal error rate in such a way to satisfy a prescribed relation equation, changing a size of one or more of the unit increment and the unit decrement of the reference signal-to-interference power ratio according to the measured error rate, and modifying the reference signal-to-interference power ratio based on the measured error rate; and

a command generation unit generating a command for transmission power control by comparing the modified reference signal-to-interference power ratio with the measured interference power ratio,” as recited in claim 1. (Emphasis added)

Accordingly, Applicants respectfully submit that claim 1 is patentable over Dohi et al. for at least the foregoing reasons. Claim 12 incorporates features that correspond to those of claim 1 cited above, and is, therefore, patentable over Dohi et al. for at least the same reasons.

In view of the remarks set forth above, this application is in condition for allowance which action is respectfully requested. However, if for any reason the Examiner should consider this application not to be in condition for allowance, the Examiner is respectfully requested to telephone the undersigned attorney at the number listed below prior to issuing a further Action.

Any fee due with this paper may be charged to Deposit Account No. 50-1290.

Respectfully submitted,

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